

**REMARKS/DISCUSSION:**

This Response C is being filed within three months after the shortened statutory period for response that ended on February 29, 2008. Accordingly, a Petition for a Three-Month Extension of Time is made a part of the electronic filing for this Response C.

By this Response C claims 15-20, 22 and 23 are pending in this application. Claims 1-11 and 21 have been canceled. Claims 15 and 16 have been amended, and claims 24-27 have been added. Support for the amendments and new claims can be found at paragraph [0034] and Figs. 2-3a.

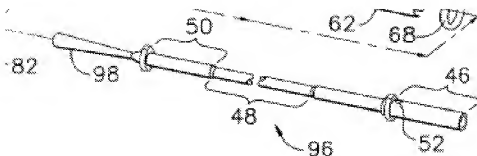
Amendment and/or cancellation of claims is not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1-11 and 15-23 stand rejected as being anticipated by Haibel, et al. (US Pat No 6,254,623). Claims 1-11 have been canceled; therefore, the discussion will focus on the pending claims.

Regarding claim 15, the Examiner states that Haibel discloses an ultrasonic blade having a one-half wave segment as stated at col. 4, ll. 64-66 and indicates that element 48 may be broken down to the first, second and third claimed portions (see portion of Fig. 1 reproduced below).



Claim 15 has been amended to recite an ultrasonic blade having more than one half-wave segment, and that a single half-wave segment defines a first portion and second and third portions having second cross-sectional area and different from the first cross-sectional area. Further, the third portion defines a first node and the second portion defines a second node and the first and second node define the one-half wave segment. Claim 16 has also been amended to include the cited elements. Haibel does not disclose or suggest such a continuous first, second and third portions having the stated geometries and nodal locations within a single half-wave segment contained in a blade with more than one half-wave segments.

Claim 17 is dependent upon amended claim 16, and therefore contains the same limitations.

With regard to claim 18, which is dependent upon 15, the first portion has a greater cross-sectional area than the second and third portions, whereby the first portion is intermediate the second and third portions. Element 50 in combination with element 48 of Haibel fails to disclose the claimed invention.

With regard to claim 19, which is dependent upon claim 15, the Examiner refers to elements 50, 48 and 46 as anticipating claim 19; however, element 46 is discontinuous with elements 50 and 48. As noted in claim 15, the first portion is connected to both the second and third portions. This feature is not disclosed in Hajbel.

Claims 20-23 are directly or indirectly dependent upon claim 15 and contain the subject matter of amended claim 15, which is not disclosed by Haibel.

New claims 24-27 are also distinguishable over Haibel for the reasons stated above.

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### **Conclusion**

Applicant submits that in view of the discussion, the objections and rejections under 35 U.S.C. § 102 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-5009USNP/VEK.

Respectfully submitted,

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